

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 24-0228.01 Chelsea Princell x4335

HOUSE BILL 24-1039

HOUSE SPONSORSHIP

Vigil and Titone, Amabile, Bacon, Boesenecker, Brown, Clifford, deGruy Kennedy, Froelich, Garcia, Hernandez, Herod, Joseph, Kipp, Lindsay, Lindstedt, Mabrey, Marshall, Martinez, Marvin, Mauro, McCormick, McLachlan, Ortiz, Parenti, Rutinel, Sirota, Story, Velasco, Weissman, Willford, Woodrow

SENATE SPONSORSHIP

Winter F. and Marchman,

House Committees

Education

Senate Committees

Education

101

CONCERNING NON-LEGAL NAME CHANGES FOR STUDENTS IN SCHOOLS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

SENATE
Amended 2nd Reading
March 28, 2024

HOUSE
3rd Reading Unamended
March 1, 2024

HOUSE
Amended 2nd Reading
February 23, 2024

Colorado Youth Advisory Council Review Committee. Section 1 of the bill:

- Requires public schools and institute charter schools (school) to use a student's preferred name, if a preferred name is requested by the student; and
- Deems a school's refusal to use a student's preferred name a form of discrimination.

Section 2 of the bill:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

- Creates the non-legal name changes in schools task force (task force) in the department of education (department) consisting of 9 members appointed by the department to examine existing school policies and provide recommendations to schools on how to best implement student non-legal name change policies;
- Requires the department to appoint members to the task force by June 30, 2024;
- Requires the task force to submit a report to the department detailing the recommended policy guidelines by January 1, 2025;
- Requires the department to publish the report on its website and submit the report to the superintendent of each school district and chief administrator of each institute charter school by February 1, 2025;
- Requires a school to implement the task force's policy recommendations by July 1, 2025; and
- Repeals the task force, effective July 1, 2026.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-1-144 as**
3 follows:

4 **22-1-144. Use of a student's chosen name - definitions.** (1) As
5 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:
6 (a) "CHOSEN NAME" MEANS ANY NAME THAT A STUDENT
7 REQUESTS TO BE KNOWN AS THAT DIFFERS FROM THE STUDENT'S LEGAL
8 NAME, TO REFLECT THE STUDENT'S GENDER IDENTITY.

9 (b) "GENDER IDENTITY" MEANS AN INDIVIDUAL'S INNATE SENSE OF
10 THE INDIVIDUAL'S OWN GENDER, WHICH MAY OR MAY NOT CORRESPOND
11 WITH THE INDIVIDUAL'S SEX ASSIGNED AT BIRTH.

12 (c) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
13 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
14 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
15 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE

1 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
2 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
3 OPERATES ONE OR MORE PUBLIC SCHOOLS.

4 (d) "PUBLIC SCHOOL" MEANS AN ELEMENTARY SCHOOL, MIDDLE
5 SCHOOL, JUNIOR HIGH SCHOOL, HIGH SCHOOL, OR DISTRICT CHARTER
6 SCHOOL OF A SCHOOL DISTRICT THAT ENROLLS STUDENTS IN ANY OF
7 GRADES KINDERGARTEN THROUGH TWELVE OR AN INSTITUTE CHARTER
8 SCHOOL THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN
9 THROUGH TWELVE.

10 (2) A PUBLIC SCHOOL EMPLOYEE, EDUCATOR, AND CONTRACTOR
11 AS DEFINED IN SECTION 22-1-143 SHALL ADDRESS A STUDENT BY THE
12 STUDENT'S CHOSEN NAME AND USE THE STUDENT'S CHOSEN NAME IN
13 SCHOOL AND DURING EXTRACURRICULAR ACTIVITIES.

14 (3) UNLESS DONE AT A STUDENT'S REQUEST, KNOWINGLY OR
15 INTENTIONALLY USING A NAME OTHER THAN THE STUDENT'S CHOSEN
16 NAME OR THE KNOWING OR INTENTIONAL AVOIDANCE OR REFUSAL TO USE
17 A STUDENT'S CHOSEN NAME IS DISCRIMINATORY.

18 (4) A STUDENT WHO IS SUBJECT TO DISCRIMINATION PURSUANT TO
19 SUBSECTION (3) OF THIS SECTION MAY FILE A REPORT WITH THE PUBLIC
20 SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 22-1-143
21 (2) OR FILE A COMPLAINT UNDER THE PUBLIC SCHOOL'S OR LOCAL
22 EDUCATION PROVIDER'S POLICY ADOPTED PURSUANT TO TITLE IX OF THE
23 FEDERAL "EDUCATION AMENDMENTS OF 1972", 20 U.S.C. SECS. 1681 ET
24 SEQ., AS AMENDED.

25 (5) A LOCAL EDUCATION PROVIDER SHALL IMPLEMENT A WRITTEN
26 POLICY OUTLINING HOW THE LOCAL EDUCATION PROVIDER WILL HONOR A
27 STUDENT'S REQUEST TO USE A CHOSEN NAME AND MAY INCLUDE A

1 PROCESS FOR INCLUDING A STUDENT'S CHOSEN NAME ON SCHOOL
2 RECORDS. A WRITTEN POLICY ADOPTED PURSUANT TO THIS SUBSECTION
3 (5) MUST COMPLY WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS
4 AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AS AMENDED, AND
5 SECTION 22-1-123.

6 **SECTION 2.** In Colorado Revised Statutes, 22-1-143, add
7 (1)(d)(IV) as follows:

8 **22-1-143. Harassment or discrimination - policy required -**
9 **training and notification - definitions.** (1) As used in this section,
10 unless the context otherwise requires:

11 (d) (IV) HARASSMENT OR DISCRIMINATION INCLUDES THE
12 KNOWING OR INTENTIONAL USE OF A NAME OTHER THAN A STUDENT'S
13 CHOSEN NAME, AS DEFINED IN SECTION 22-1-144 (1).

14 **SECTION 3.** In Colorado Revised Statutes, 22-2-117, amend
15 (1)(b)(IX) and (1)(b)(X); and add (1)(b)(XI) as follows:

16 **22-2-117. Additional power - state board - waiver of**
17 **requirements - rules.** (1) (b) The state board shall not waive any of the
18 requirements specified in any of the following statutory provisions:

19 (IX) Any provisions of section 22-1-128 relating to
20 comprehensive human sexuality education content requirements; or

21 (X) Any provision of section 22-30.5-104 (3), 22-30.5-507 (3),
22 22-32-109 (1)(l), 22-32-110 (1)(k), 22-38-104 (1)(d), or 22-63-206 (1)
23 relating to discrimination based on hair texture, hair type, or a protective
24 hairstyle that is commonly or historically associated with race; OR

25 (XI) ANY PROVISION OF SECTION 22-1-144 RELATING TO THE USE
26 OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-144 (1), IN A
27 PUBLIC SCHOOL.

1 **SECTION 4. In Colorado Revised Statutes, 22-30.5-104, amend**
2 **(6)(c)(VIII); and add (6)(c)(X) as follows:**

3 **22-30.5-104. Charter school - requirements - authority - rules**
4 **- definitions.** (6) (c) A school district, on behalf of a charter school, may
5 apply to the state board for a waiver of a state statute or state rule that is
6 not an automatic waiver. Notwithstanding any provision of this
7 subsection (6) to the contrary, the state board may not waive any statute
8 or rule relating to:

9 (VIII) Section 22-33-106.1 concerning suspension and expulsion
10 of students in preschool through second grade; or

11 (X) ANY PROVISION OF SECTION 22-1-144 RELATING TO THE USE
12 OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-144(1), IN A
13 PUBLIC SCHOOL.

14 **SECTION 5. In Colorado Revised Statutes, 22-30.5-507, amend**
15 **(7)(b)(VIII); and add (7)(b)(X) as follows:**

16 **22-30.5-507. Institute charter school - requirements -**
17 **authority - rules - definitions.** (7) (b) An institute charter school may
18 apply to the state board, through the institute, for a waiver of state statutes
19 and state rules that are not automatic waivers. The state board may waive
20 state statutory requirements or rules promulgated by the state board;
21 except that the state board may not waive any statute or rule relating to:

22 (VIII) Section 22-33-106.1 concerning suspension and expulsion
23 of students in preschool through second grade; or

24 (X) ANY PROVISION OF SECTION 22-1-144 RELATING TO THE USE
25 OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-144(1), IN A
26 PUBLIC SCHOOL.

27 **SECTION 6. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.